

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Certificate of Electronic Filing

I hereby certify that this correspondence is being electronically filed with the  
United States Patent Office addressed  
to: Commissioner for Patents Box 1450 Alexandria, VA 22313-1450.

  
Catherine M. Kynard  
Dated: 12/8/2008

Inventors: San Miguel et al.

Serial No. 10/593,225

Filing Date: 7/2/2007 (Anticipated)

Group: 1645

Examiner: Albert Mark Navarro

Title: VACCINE COMPOSITIONS WHICH ARE OBTAINED  
FROM STREPTOMYCES

Docket No.: LEXSA.P-40

Customer Code: 28752

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MS: PCT  
Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

Attention: PCT Legal

**REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT  
AND NOTICE OF ACCEPTANCE OF APPLICATION  
UNDER 35 USC 371 AND 37 CFR 1.495**

Hon. Sir:

Applicants respectfully request a corrected official filing and notice of  
acceptance of application under 35 USC 371 and 37 CFR 1.495 for the  
above-identified application.

Applicants completed all requirements in the national phase of the international application in a response filed on July 2, 2007 to the formality notice. Enclosed is a copy of the filed response, formality notice and electronic acknowledgement receipt dated July 2, 2007.

Applicants respectfully request that the official filing date and date of completion of all requirements under 35 USC 371 (c)(1), (c)(2) and (c)(4) be accordingly corrected to reflect the date of July 2, 2007 and the corrected official filing receipt and 371 acceptance letter.

Applicants enclose a marked-up copy of the official filing receipt and 371 acceptance letter.

Respectfully submitted,

LACKENBACH SIEGEL, LLP



Catherine M. Kynard  
Patent Administrator

Date: 1/26/2008  
One Chase Road  
Scarsdale, NY 10583  
(914) 723-4300

Enclosures: 1. copy of electronic acknowledgement receipt dated 7/2/2007  
2. copy of response to notice of missing requirements dated 7/2/2007  
3. copy of notice of missing requirements dated 6/27/2007  
4. copy of marked-up 9/18/2007 official filing receipt  
5. copy of marked-up 9/18/2007 371 acceptance letter

## Electronic Acknowledgement Receipt

EFS ID:	1930679
Application Number:	10593225
International Application Number:	
Confirmation Number:	7041
Title of Invention:	VACCINE COMPOSITIONS WHICH ARE OBTAINED FROM STREPTOMYCES
First Named Inventor/Applicant Name:	Maria Elena Sarmiento Garcia San Miguel
Customer Number:	28752
Filer:	Myron Greenspan/Marvin Feldman
Filer Authorized By:	Myron Greenspan
Attorney Docket Number:	LEXSA.P40
Receipt Date:	02-JUL-2007
Filing Date:	
Time Stamp:	12:21:08
Application Type:	U.S. National Stage under 35 USC 371

### Payment information:

Submitted with Payment	no
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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)
1	Miscellaneous Incoming Letter	responseto_missing_parts.pdf	111526	no	2

Warnings:

Information:					
2	Oath or Declaration filed	oath_declaration.pdf	468191	no	5
Warnings:					
Information:					
3	Miscellaneous Incoming Letter	copy_ofnotice.pdf	193491	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			773208		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					



## UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/593,225	Maria Elena Sarmiento Garcia San Miguel	LEXSA.P40

28752  
 LACKENBACH SIEGEL, LLP  
 LACKENBACH SIEGEL BUILDING  
 1 CHASE ROAD  
 SCARSDALE, NY 10583

INTERNATIONAL APPLICATION NO.	
PCT/CU05/00002	
I.A. FILING DATE	PRIORITY DATE
03/18/2005	03/18/2004

CONFIRMATION NO. 7041  
 371 FORMALITIES LETTER



\*OC000000024554188\*

Date Mailed: 06/27/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/18/2006
- English Translation of the IA filed on 09/18/2006
- Copy of the International Search Report filed on 09/18/2006
- Copy of IPE Report filed on 09/18/2006
- Preliminary Amendments filed on 09/18/2006
- U.S. Basic National Fees filed on 09/18/2006
- Specification filed on 09/18/2006
- Claims filed on 09/18/2006
- Abstracts filed on 09/18/2006
- Drawings filed on 09/18/2006

MDC DOCKET

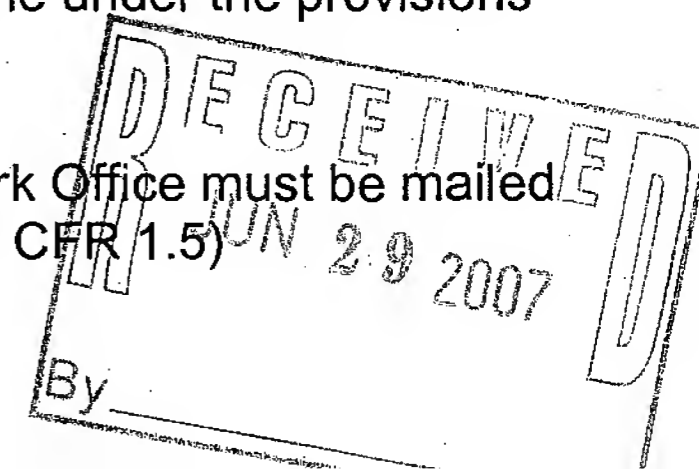
The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)



Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

DARRELL C COTTMAN

Telephone: (703) 308-9140 EXT 203

**PART 1 - ATTORNEY/APPLICANT COPY**

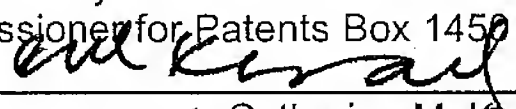
U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/593,225	PCT/CU05/00002	LEXSA.P40

FORM PCT/DO/EO/905 (371 Formalities Notice)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Certificate of Electronic Filing

I hereby certify that this correspondence is being deposited electronically with the United States Patent Office addressed to: Commissioner for Patents Box 1450 Alexandria, VA 22313-1450.

  
Catherine M. Kynard  
Dated: 7/2/2007

Inventors: Maria Elena Sarmiento Garcia San Miguel et al.

Serial No: 10/593,225

Int'l Serial No: PCT/CU05/000002

Int'l Filing Date: 18 March 2005

Group: (Unassigned)

Examiner: (Unassigned)

Title: VACCINE COMPOSITIONS WHICH ARE OBTAINED FROM STREPTOMYCES

Docket No.: LEXSA.P40

Customer Code: 28752

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MS: Missing Parts  
Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF MISSING REQUIREMENTS  
UNDER 35 USC 371 IN THE US DESIGNATED/ELECTED OFFICE**

Hon. Sir:

In response to the Notice of Missing Requirements mail date June 27, 2007 for the above-identified application, applicants enclose the following documents.


The signed Oath/Declaration, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date is enclosed herewith.

Any fees or credits associated with the processing of this application can be charged or credited to the undersigned Attorney's Deposit Account 10-0100.

Applicants respectfully request that the application now proceed to examination.

Respectfully submitted,

LACKENBACH SIEGEL, LLP

BY   
Marvin Feldman  
Reg. 25,797

MF:k  
Date: July 2, 2007  
One Chase Road  
Scarsdale, NY 10583  
(914) 723-4300

Enclosures: Signed Oath/Declaration of the Inventors  
Copy of the Notification of Missing Requirements



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
10/593,225	<del>02/07/2007</del> 07/02/2007	1645	1030	LEXSA.P40	17	3

28752  
 LACKENBACH SIEGEL, LLP  
 LACKENBACH SIEGEL BUILDING  
 1 CHASE ROAD  
 SCARSDALE, NY 10583

CONFIRMATION NO. 7041

## FILING RECEIPT



\*OC000000025824877\*

MDC DOCKET

Date Mailed: 09/18/2007

Receipt is acknowledged of this nonprovisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

Maria Elena Sarmiento Garcia San Miguel, Ciudad de la Habana, CUBA;  
 Armando Acosta Domínguez, Ciudad de la Habana, CUBA;  
 Carlos Roman Vallín Plous, Ciudad de la Habana, CUBA;  
 Nest Olivares Arzuaga, Ciudad de la Habana, CUBA;  
 Yamile Lopez Hernandez, Ciudad de la Habana, CUBA;  
 Caridad Rodriguez Valdes, Ciudad de la Habana, CUBA;  
 Maximo Martinez Benitez, Ciudad de la Habana, CUBA;  
 Leonora Gonzalez Mesa, Ciudad de la Habana, CUBA;  
 Juan Francisco Infante Bourzac, Ciudad de la Habana, CUBA;  
 Astrid Ramos Mori, Ciudad de la Habana, CUBA;

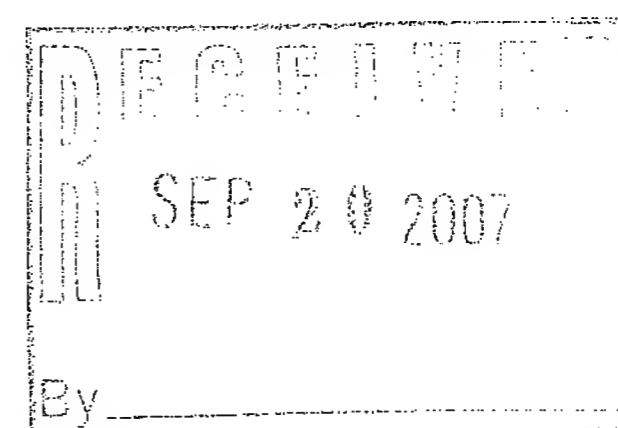
**Power of Attorney:** The patent practitioners associated with Customer Number **28752**.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/CU05/00002 03/18/2005

## Foreign Applications

CUBA 2004-0051 03/18/2004



If Required, Foreign Filing License Granted: 09/13/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/593,225**

**Projected Publication Date:** 12/20/2007

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Vaccine Compositions Which Are Obtained From Streptomyces

**Preliminary Class**

424

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



## UNITED STATES PATENT AND TRADEMARK OFFICE

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 United States Patent and Trademark Office  
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 Alexandria, Virginia 22313-1450  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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10/593,225

Maria Elena Sarmiento Garcia San Miguel

LEXSA.P40

INTERNATIONAL APPLICATION NO.
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PCT/CU05/00002

I.A. FILING DATE	PRIORITY DATE
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03/18/2005

03/18/2004

28752

LACKENBACH SIEGEL, LLP  
 LACKENBACH SIEGEL BUILDING  
 1 CHASE ROAD  
 SCARSDALE, NY 10583

CONFIRMATION NO. 7041

371 ACCEPTANCE LETTER



\*OC000000025824878\*

Date Mailed: 09/18/2007

## NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

~~02/07/2007~~ 07/02/2007~~02/07/2007~~ 07/02/2007

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and  
 (c)(4) REQUIREMENTS

DATE OF COMPLETION OF ALL 35 U.S.C. 371  
 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 09/18/2006
- English Translation of the IA filed on 09/18/2006
- Copy of the International Search Report filed on 09/18/2006
- Copy of IPE Report filed on 09/18/2006
- Preliminary Amendments filed on 09/18/2006
- Oath or Declaration filed on ~~02/07/2007~~ 07/02/2007
- U.S. Basic National Fees filed on 09/18/2006
- Priority Documents filed on ~~02/07/2007~~ 07/02/2007
- Power of Attorney filed on ~~02/07/2007~~ 07/02/2007
- Specification filed on 09/18/2006
- Claims filed on 09/18/2006

- Abstracts filed on 09/18/2006
- Drawings filed on 09/18/2006

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

DEBORAH D WILLIAMS  
Telephone: (703) 308-9140 EXT 205

9/20/2007

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)

Spone at

Ms. Zoms  
who will  
send a  
corrected  
Filing  
Receipt

at  
date 7/2/2007